

STATEMENT OF WITNESS

STATEMENT OF P39

DATED THIS 21 DAY OF JANUARY 2009

I, P39, declare that this statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence at the Inquiry I will be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. The Inquiry has disclosed a number of documents to me. Where I make specific reference to a document in my statement I have given the number of the relevant page.
2. In April 1997, I was a Detective Chief Inspector attached to 'J' Division comprising three sub-divisions namely Portadown, Banbridge and Lurgan. In relation to daily business I reported directly to Regional CID Headquarters in Armagh, Detective Chief Superintendent McBurney. I also reported to the Divisional Commander on a weekly basis and occasionally more frequently. After retiring from the RUC I retained possession of my journals, which was customary at that time. I had these journals destroyed for security reasons, at that time there was no talk of any inquiry. I therefore make this statement relying solely on my memory and those papers disclosed to me by the interviewers.
3. Over the weekend of 26/27 April 1997 I was the on-call Duty Officer for CID in 'J' Division. At approximately 6.50am on 27 April 1997 Detective Constable Keys telephoned me and informed me that an incident had occurred in the town centre and as a result two people were in hospital. I asked about the scene and he confirmed that it had been sealed. I also asked him to call out Scenes of Crime Officer (SOCO) and the photographer.

4. When I arrived at the station, shortly after receiving the call, I spoke with DC Keys and I also spoke to Inspector McCrum who was the Inspector on duty that night. He came into the CID Office and told me the officers who had been on duty that night were going home. I told him that they had to return immediately as their statements were required. They arrived into CID Office shortly afterwards.
5. I went to the scene, which was sealed off, as DC Keys had already told me. The tape covered the junction area of Market Street, Thomas Street and Woodhouse Street. The photographs at pages **222**, **223** and **224** show the scene taped. At that time the forensic officer and the photographer had not arrived. While I waited for their arrival I continued with my duties. At that time I was also aware that as a result of serious incidents in Lurgan and Banbridge there were a further two injured parties in hospital.
6. I spoke with Constable Ardis, SOCO, about the examination of the scene in Portadown. I recall discussing the scene with him and that he was collecting all items of an evidential nature. Sometime later I went into the general CID office. The photographer was present. DC Keys was also present and he told me he had already taken the photographer to the scene and the photographs had been taken. The photographer explained that he had taken photographs showing all aspects of the scene.
7. When I returned to the CID general office the uniformed Police Officers arrived into the office. They were the four who were on duty in the Land Rover in the town centre. I briefed them telling them that detailed statements were required; that the statements be written in a sequence of events and that they could confer with each other, but should they do so they must record that in their notebooks.
8. I have been told that DC Keys has recorded that he and I visited the Hamill family home and the family homes of **D**, **E** and **F** at approximately 7.30am on Sunday 27 April 1997. I do not remember having done so. I believe that DC Keys left the station to recover the clothing.

9. Later that morning I spoke with Mr [REDACTED], Consultant at Craigavon Area Hospital. He informed me that D had been discharged and that Robert Hamill had been transferred to the Royal Victoria Hospital in Belfast. I visited the Royal Victoria Hospital and I recall speaking to a female member of staff in the Intensive Care Unit. I was told by this person that Robert Hamill was not in any danger of dying. I kept in touch with the hospital, most probably on a daily basis, enquiring about Robert's condition. At one point I was informed that he had been transferred from the Intensive Care Unit to a general ward. I believed that his condition had improved. I did not anticipate that there would be a murder investigation because of what I was told.
10. DC Keys had asked for some assistance; I asked him to call in Detective Constable McDowell. DC McDowell commenced eliciting information from the statements as to what happened and who was there. When I came back into the station from visiting the hospital and dealing with the other two incidents it was well into the afternoon. D, E, and F were in the office giving statements.
11. I commenced reading the statements. The Detective Constables and I discussed the incident and the statements. It was becoming somewhat complicated in that most people in the town centre could be suspects. I did not think at that time that we had enough evidence to carry out arrests. We needed to gather more evidence and identify witnesses.
12. On 28 April 1997, Detective Inspector Irwin and I worked on the investigation. DI Irwin suggested using an Index System, similar to MIRIAM and also introduced a questionnaire to help identify witnesses and glean further evidence. To enable the investigation to progress more quickly I requested manpower from the Regional Crime Squad. My request was refused.
13. I have been asked about a policy file for the GBII with Intent. Specific policy files were available only within the HOLMES System for murder investigations. At that time we were using the card filing system for the MIRIAM System, which was kept in DI Irwin's office who was the Inspector-in-Charge of Portadown Sub-Division.

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14. On 28 April 1997 I remember that DC Keys recovered CCTV footage from the scene. I do not remember the details but I know there was no evidential matter on the tapes.
15. I also went to the home of Mrs Hamill with DC McAteer to try to gain her support and the support of the community. I think Robert's brother and sister were there at the time. She received us well but I was aware that animosity was building towards the police. I recall asking whether they could ask witnesses to come forward with information. I also decided to contact the local priests and ask them to help us contact witnesses and appeal for information perhaps in the Parish's weekly bulletin. Unfortunately, none of the priests I spoke to came back to me with any help.
16. On 1 May 1997, we planned to arrest three individuals but for reasons which I can no longer remember we had to delay it. On 6 May 1997, we arrested Stacey Bridgett, Dean Forbes and [REDACTED]. I am reminded that after interview it was clear [REDACTED] had nothing to do with it and he was released. The other two were released on bail.
17. On 8 May 1997, Robert Hamill died. I was off work that day but DI Irwin telephoned me that night to tell me what had happened. I believe he briefed DCS McBurney as well. I cannot now remember if I came into the police station for a briefing on the 8 May 1997. On 9 May 1997 I opened a policy book page **913** to **941** and the investigation was transferred to HOLMES. DCS McBurney made it clear, however, that because there was intelligence of a police officer's involvement with a suspect we had to restrict the recording of information. In fact, he was of the view that we should not have recorded anything for security reasons. I was therefore selective about what entries I made in the policy book.
18. In my policy book page **915** I recorded that DI Irwin was the Officer Manager but actually his role was much more than that he was responsible for managing the investigations in Portadown. Once the investigation was transferred onto HOLMES, CID officers from the Regional Crime Squad at Armagh would

come into Portadown CID office every day to be briefed and collect information. The HOLMES unit was in Armagh so any statements etc that had to be put onto HOLMES had to be taken to Armagh for inputting.

19. On 9 May 1997, I was aware there were two potential eye witnesses. I am reminded that DI Irwin had spoken to Andrea McKee the previous day and she told him that a young woman had witnessed the incident and had made allegations about a Reserve Constable. I remember that Andrea McKee came into the station with Tracey Clarke on 9 May and a statement was taken, which starts at page number 17327. DC McAteer took that statement and I was present. Tracey related to us what she saw on the night of 26/27 April 1997 and what she knew of the involvement of Reserve Constable Atkinson. Andrea McKee was present when Tracey Clarke commenced giving the statement but I cannot be certain if she remained throughout the entirety of the interview. I remember thinking that we needed to keep both of these women on board for the purpose of the investigation. Although Andrea McKee was not a witness to the incident she could be a witness to the allegation against Reserve Constable Atkinson. I do not remember the details but we would have considered taking a statement from Andrea McKee at the appropriate time.

20. My impression of Tracey Clarke was that she was apprehensive about making the statement so it was a case of reassuring her to tell the truth as she knew it. She was a nervous and vulnerable young girl and I realised we needed to speak to her parents. DC McAteer and I took Tracey Clarke home after she had made her statement. At Tracey's house we spoke to her parents to put their minds at rest about the process and Tracey's safety. I do not believe I was aware of the link between Andrea McKee's husband and the Clarkes. I continued to have dealings with Tracey Clarke and her mother █████ Clarke after 10 May 1997 but had nothing further to do with Andrea McKee. If Mrs Clarke ever called the station for me, I basically dropped everything and went to her so there was very good follow-up with her. I never thought Tracey would not give her evidence and I don't recall being aware that she was being intimidated. DCS McBurney and I discussed what should be done to protect Tracey and some attempts were made to relocate her and find her work and alternative accommodation. The

only record I kept of any of that was my Journal, which I obviously no longer have. I don't think I had any contact with the Clarkes after about August.

21. Timothy Jameson was another witness we were given information about. I remember that Reserve Constable P20 came into my office and told us that he knew a young man who had been in the town centre and witnessed the incident. Reserve Constable P20 was shown into my office by DI Irwin. DCS McBurney was already with me. He stood in the doorway and DCS McBurney spoke to him. I do not recall another man coming with Reserve Constable P20 but accept there might have been one standing in the corridor outside my office. I had never met Reserve Constable P20 before and initially did not know he was a Reserve Constable.

22. I have been asked whether Reserve Constable P20 told us that Jameson had told him he "*put the boot in*" during the incident. I am sure I did not hear that. If I had, I would have arrested Timothy Jameson and would have asked for a statement from the officer passing on the information. If he had admitted to being involved in the assault then clearly he was in a different category altogether from a witness. Timothy Jameson was contacted immediately and brought into the Station on 9 May 1997. A statement was taken from him but I was not present during that interview. I think it was DCS McBurney who briefed the officers prior to the statement taking. I did, however, see the statement he made which is at page numbers **17653 to 17656**. We did not consider providing protection to Timothy in the same way we did for Tracey Clarke because she was more vulnerable and because his father was already receiving police protection as a government contractor.

23. After taking a statement from Tracey Clarke I recall making an application for details of telephone billing at Reserve Constable Atkinson's home. I made the first application without recording any details. The application was hand-written. I do not remember the details of the application. I think I made two applications. There is a typed application dated 12 May 1997, which is at page numbers **2723 to 2724** but that was the second application. The second application was for telephone billing in respect of Reserve Constable Atkinson,

Allister Hanvey's parents Kenneth and Elizabeth Hanvey, Thomas Hanvey and [REDACTED]. I cannot remember why [REDACTED]'s name was included. I was interviewed by DCI K and he raised this but I do not agree with the note he made of my reply, page **14624**; I did not say the number was obtained from a telephone book.

24. I do not remember when I got the results back from the request for itemised telephone billing but it would have taken some time. I know it wasn't turned around in a day.
25. From that point on Tracey Clarke and Timothy Jameson were referred to as witnesses 'A' and 'B' respectively. DCS McBurney instructed that no records should be kept in relation to witnesses 'A' and 'B'. We knew it was very important to keep them on board and protect their identities. I recorded this in the policy book at page number **919**. I can remember that the facilities at Portadown were not good for security so it was important that no notes were taken which could be left lying around. Statements were taken from both of them but they were taken to Armagh to be input to HOLMES. No one in Portadown would have had access to a HOLMES computer to have seen those. I have been asked why I did not use a sensitive policy book to record those statements instead. I had not used one before. That was the first case in which I had to open a policy book.
26. On 10 May 1997, we arrested five people: Dean Forbes, Stacey Bridgett, Wayne Lunt, Allister Hanvey and Marc Hobson. They were all charged with murder. That is noted at page **923**. I prepared the documents for the arrests and DI Irwin briefed the arrest teams. On the same day, PC Neill carried out a confrontation identification of Marc Hobson. That is recorded in the policy book at page **922** and also notes that "*other police officers were not requested to attend as it was necessary to interview them re their ability to identify suspects and due to the ICPC not available, the interviews were not carried out*". I am asked why we had not interviewed them and asked them to identify suspects before that date. I cannot recall why we did not do that sooner but think there must have been some reason for it. The next day we arrested and charged Rory Robinson with

murder. The decision to arrest and charge each case was that of DCS McBurney.

27. I have been shown an action record page **15635**, which refers to my briefing Detective Constables **P24** and McCrumlish on 11 May 1997, to search the home of Thomas Hanvey, Allister Hanvey's uncle. I cannot now remember briefing the officers but accept that I did so. During interview Allister Hanvey had said that he visited his uncle's address it would therefore have been logical to have searched that address.
28. I can recall that evidence came back to us from Lawrence Marshall of FSNI, which linked Stacey Bridgett to a blood spot found on Robert Hamill's jeans. The investigation team discussed that. I am told that Wayne Lunt's fingerprint was found on a tonic wine bottle but I cannot now recall that. I cannot recall why this additional evidence was not put to Bridgett and Lunt at the time.
29. There was also a complaint investigation which was supervised by the ICPC by Mr [REDACTED]. That is recorded in the policy book page **916** and I remember DCS McBurney telling me to make a full note of the first meeting with Mr [REDACTED]. Obviously there were then two investigations ongoing and we decided with Mr [REDACTED] how we would approach them. It was that the murder investigation would clearly take priority. That meeting was on 12 May 1997 and is referred to at page **926**. We also recognised there would be a crossover with the complaint. I also remember we discussed the investigation into Reserve Constable Atkinson. We were conscious that the three investigations would overlap and we would get evidence from one which related to the others. Mr [REDACTED] was aware of that and was content to let the murder take precedence. We were not, however, actually investigating Reserve Constable Atkinson at that time. We needed to keep the police officers on board as well as the civilian witnesses. We did not consider including Robert Atkinson as part of the murder investigation; we believed it would be better to deal with them separately.

30. We did discuss Reserve Constable Atkinson's investigation in light of the allegation made and all the evidence relevant to it was kept in Armagh.
31. I did not play any part in the complaint investigation or the investigation into Reserve Constable Atkinson after that meeting and in any event I had left Portadown by September 1997.
32. On 30 May 1997, I went on leave and handed the policy book to DI Irwin. I do not recall seeing it again after that. When I returned from leave I do not recall whether I resumed my role as Deputy Senior Investigating Officer but I do not think so. There were major investigations going on at that time in the area I was probably involved with something else.
33. On 22 July 1997, DI Irwin submitted his file on the case to the DPP. It came through me and the Sub-Divisional officer and went to the DPP via Crime Branch. That report is at page numbers **15952 to 15953**.
34. I was not involved in the investigations after that. The next and only thing I remember was being interviewed by Mr Mahaffey, DCI **K** and Mr [REDACTED] at home on 23 February 2001. Their notes are at page numbers **14622 to 14626**. I was happy to talk to them and to help where I could. At the end of the interview Mr Mahaffey said he would send me a copy of the notes but I never received them. I did not hear anything further until around end of September 2001. A letter turned up at my home from Mr Mahaffey but with the wrong address. When the letter reached me it had been opened. I felt this had put my safety at risk and was most unhappy about it. Until that point I had been very willing to co-operate but was extremely disappointed at the way I had been dealt with.
35. I then got a letter from Superintendent Kennedy who also wanted to talk to me. I had lost all confidence in the confidentiality of the process and did not co-operate after that.
36. I retired from the police in around March 1998.

SIGNED: ... P39 ..

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DATED: 21st January 2009

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